



DECLARATION FOR PATENT APPLICATION

Attorney Docket No: 80350-1110

As the below named inventor(s), I/we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **CLOSURE SYSTEM FOR A SURGICAL RING**, the specification of which:

- ☐ is attached hereto.
☒ was filed on **September 3, 2003** as Application Serial No. **10/653,807**.
☐ was filed on _____ under U.S. Express Mail No. _____.
☐ is set forth in PCT International Application No. _____;
filed on _____ and as amended Under PCT Article 19 on _____ (if any).

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I/we hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed: **European Patent Application No. EP-02 019936.0, filed 4 September 2002**

I/we hereby appoint all attorneys and agents of Thomas, Kayden, Horstemeyer & Risley, LLP, who are listed under the USPTO Customer Number shown below as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys and agents listed under that Customer Number may be changed from time to time at the sole discretion of Thomas, Kayden, Horstemeyer & Risley, LLP, and request that all correspondence be addressed to the address filed under the same USPTO Customer Number.

24504

Please address all telephone calls, in the first instance, to **James W. Kayden** at telephone number: (770) 933-9500.

Address all correspondence to:

James W. Kayden
THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.
100 Galleria Parkway, N.W., Suite 1750
Atlanta, Georgia 30339-5948

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor: BACHMANN, Michel, Andre

Residence: Pre Floret, 1126 Vaux Sur Morges, Switzerland Citizenship: Switzerland

Post Office Address: Pre Floret, 1126 Vaux Sur Morges, Switzerland

Inventor's Signature: _____



Date: _____

13. 1. 2004



PATENT

Attorney's Docket No. 80350-1110

Applicant or Patentee: Bachmann
Serial or Patent No.: 10/653,807
Filed/Issued: September 3, 2003
For: **Closure System for a Surgical Ring**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concerned identified below:

NAME OF CONCERN: **Endoart S.A.**
ADDRESS OF CONCERN: Parc Scientifique sur le site de l'EPFL, PSE ECUBLENS (VD),
Switzerland

I hereby declare that the above-identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. §121, and in 37 C.F.R. §1.27(a)(2), for purposes of paying reduced fees in the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay period of the fiscal year, and (2) concerns are affiliates to each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☐ the specification filed herewith, with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization have rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as a person under 37 C.F.R. §1.27(a)(1), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) or a nonprofit organization under 37 C.F.R. §1.27(3).

***NOTE:** *Separate verified statements are required from each named person, concern or organization having rights to the invention as to their status as small entities (37 CFR 1.27).*

Each such person, concern, or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below.

NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

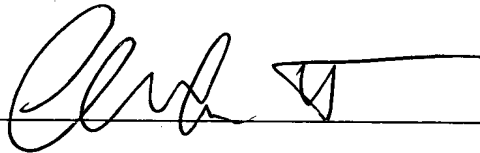
I acknowledge the duty to file, in this application or patent, notification of any changes in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

Note: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under §10.18(b) of this chapter. Violations of §10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under §10.18(c) of this chapter. Any practitioner violating §10.18(b) may also be subject to disciplinary action see §§ 10.18(d) and 10.23(c)(15)" 37 C.F.R. §1.4(d)(2).

NAME OF PERSON SIGNING: Christian IMBERT

TITLE OF PERSON OTHER THAN OWNER: CEO

SIGNATURE



Date

13/1/2004